

Serial No.: 10/037,882

REMARKS

Claims 1-34 remain in the application. By this amendment, claims 11, 14, 15, 26, 29 and 30 have been amended, and new claims 31-34 have been added. The present application as originally filed supports these amendments. No new matter has been added.

Indication of Allowance

The applicant gratefully acknowledges the indication that claims 11, 14, 15, 26, 29 and 30 will be allowed if rewritten in independent form to include all limitations of base claim and any intervening claims. In response, claims 11, 14, 15, 26, 29 and 30 have been amended in independent form to include all limitations of base claim and any intervening claims. Applicant, therefore, submits that claims 11, 14, 15, 26, 29 and 30 are in condition for allowance.

Claim Rejections Based on Yamagishi et al.

Claims 1, 3-10, 12, 13, 16-24, 27 and 28 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0038669 to Yamagishi et al.

Claims 1, 3-10, 12 and 13

Independent claim 1, from which claims 3-10, 12 and 13 depend, recites a system for dividing a single mass flow into two or more secondary flows of desired ratios, including at least two secondary flow lines wherein each secondary flow line has a flow meter measuring flow through the flow line and providing a signal indicative of the measured flow.

Applicant respectfully submits that Yamagishi et al. does not disclose or suggest such a system and instead shows a flow divider means, shown for example in FIG. 2 of Yamagishi et al., having a mass flow meter 24 connected with an input port 23 on a primary side of the divider means, before a secondary side of the divider means having two output ports 28, 29. The flow

Serial No.: 10/037,882

divider means of Yamagishi et al. does not include secondary flow lines wherein each secondary flow line has a flow meter measuring flow through the flow line and providing a signal indicative of the measured flow, as required by independent claim 1 of the present application.

Applicant, therefore, respectfully submits that independent claim 1 is neither anticipated by, nor rendered obvious in view of Yamagishi et al. for at least these reasons. Since claims 3-10, 12 and 13 depend from independent claim 1, they include the limitations of the independent claim. As a result, the dependent claims also are not anticipated by, or rendered obvious in view of Yamagishi et al. for at least the above reasons, and for reciting further patentable limitations. Applicant, therefore, respectfully requests reconsideration and withdrawal of the rejection of claims 1, 3-10, 12 and 13 under 35 U.S.C. 102(e) as being anticipated by Yamagishi et al. Since new claims 31 and 33 depend from independent claim 1, they are also allowable.

Claims 16-24, 27 and 28

Independent claim 16, from which claims 17-24, 27 and 28 depend, recites a method for dividing a single mass flow into two or more secondary mass flows of desired ratios, dividing a single mass flow into at least two flow lines, and measuring mass flow through each flow line.

Applicant respectfully submits that Yamagishi et al. does not disclose or suggest such a method and instead shows a flow divider means that does not include secondary flow lines wherein the mass flow is measured in each secondary flow line, as required by independent claim 1 of the present application.

Applicant, therefore, respectfully submits that independent claim 16 is neither anticipated by, nor rendered obvious in view of Yamagishi et al. for at least these reasons. Since claims 17-24, 27 and 28 depend from independent claim 16, they include the limitations of the independent claim. As a result, the dependent claims also are not anticipated by, or rendered obvious in view

Serial No.: 10/037,882

of Yamagishi et al. for at least the above reasons, and for reciting further patentable limitations. Applicant, therefore, respectfully requests reconsideration and withdrawal of the rejection of claims 16-24, 27 and 28 under 35 U.S.C. 102(e) as being anticipated by Yamagishi et al. Since new claims 32 and 34 depend from independent claim 16, they are also allowable.

Claim Rejections Based on Yamagishi et al. in view of Goldman et al.

Claims 2 and 25 have been rejected under 35 U.S.C. 103(2) as being unpatentable over Yamagishi et al. in view of U.S. Patent No. 4,369,031 to Goldman et al. The patent office has submitted that Yamagishi et al. discloses all elements of claims 2 and 25 except for the use of thermal-based flow meters, but that Goldman et al. discloses the use of thermal-based flow meters.

Claim 2 depends from independent claim 1 and claim 25 depends from independent claim 16. As discussed above, claims 1 and 16 are neither anticipated by, nor rendered obvious in view of Yamagishi et al. because Yamagishi et al. does not disclose or suggest a system or method including at least two flow lines wherein mass flow is measured through each flow line.

Goldman et al. also does not disclose or suggest a system or method including at least two flow lines wherein mass flow is measured through each flow line, as required by independent claims 1 and 16. Thus, the combination of Yamagishi et al. and Goldman et al. does not anticipate nor rendered obvious the subject matter of independent claims 1 and 16.

Since claims 1 and 25 depend from independent claims 1 and 16, they include the limitations of the independent claims. As a result, the dependent claims also are not rendered obvious over Yamagishi et al. in view of Goldman et al. for at least the above reasons, and for reciting further patentable limitations. Applicant, therefore, respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 25 under 35 U.S.C. 102(e) as being unpatentable

Serial No.: 10/037,882

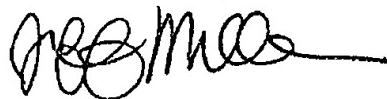
over Yamagishi et al. in view of Goldman et al.

Conclusion

In view of the amendments and remarks submitted herein, applicant believes that all claims pending in the application are in condition for allowance and respectfully request such allowance. If a telephone conference will expedite prosecution of the application the Examiner is invited to telephone the undersigned.

No fee is believed to be required; however, if a fee is required, or otherwise necessary to cover any deficiency in fees already paid, authorization is hereby given to charge our deposit account no. 50-1133.

Respectfully submitted,
McDermott, Will & Emery



Date: 8-1-03

Toby H. Kusmer, Reg. No. 26,418
Jeffrey J. Miller, Reg. No. 39,773
Attorneys for Applicants
28 State Street
Boston, MA 02109-1775
Telephone: (617) 535-4000
Facsimile: (617)535-3800